

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

KRISTINE ANN LIEVEN,

Plaintiff,

v.

DEBRA IACUCCI,

Defendant.

Case No. 18-CV-1409-JPS

ORDER

Plaintiff was allowed to proceed against Defendant for an alleged violation of her Eighth Amendment right to adequate medical care. (Docket #9). Specifically, Plaintiff claimed that Defendant countermanded a doctor's order that Plaintiff should be sent to the hospital in an ambulance. *Id.* On May 1, 2019, Defendant filed a motion for summary judgment. (Docket #30). Defendant asserts that Plaintiff is incorrect—Defendant could not have cancelled an ambulance for Plaintiff because none had been ordered by any of the medical staff. (Docket #31 and #32).

Plaintiff's response to Defendant's motion was due on or before May 31, 2019. Civ. L. R. 7(b). That deadline has passed and no response has been received. The Court will, therefore, grant Defendant's motion for two reasons. First, Plaintiff's failure to respond to the motion is sufficient grounds for the Court to grant it. Civ. L. R. 7(d). Second, in accordance with the rules of summary judgment procedure, the facts as presented by Defendant are undisputed. *See* Fed. R. Civ. P. 56(e); Civ. L. R. 56(b)(4). Those undisputed facts demonstrate that Plaintiff's allegations are false and that Plaintiff's Eighth Amendment rights were not violated by Defendant.

Accordingly,

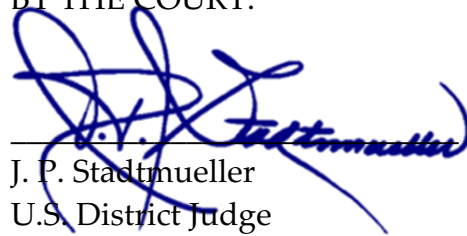
IT IS ORDERED that Defendant's motion for summary judgment (Docket #30) be and the same is hereby **GRANTED**; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED with prejudice**.

The Clerk of the Court is directed to enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 11th day of June, 2019.

BY THE COURT:

A handwritten signature in blue ink, appearing to read "J. P. Stadtmueller", is written over a horizontal line. The signature is stylized and cursive.

J. P. Stadtmueller
U.S. District Judge